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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,219	01/26/2004	Steven Jackson	SJ-12256US	6563

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EXAMINER

TRAN, HANH VAN

ART UNIT

PAPER NUMBER

3637

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/763,219

Applicant(s)

JACKSON, STEVEN

Examiner

Hanh V. Tran

Art Unit

3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is the First Office Action on the Merits from the examiner in charge of this application.

Claim Objections

2. Claims 6-8, and 10 are objected to because of the following informalities: (1) claim 6, line 4, "rip" should be "grip", (2) claim 10, line 2, "s" should be "is". Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 5, and 11-13 are rejected under 35 U.S.C. 102(b) as being anticipated by USP 4,501,456 to Schafer.

Schafer discloses a cabinet assembly comprising all the elements recited in the above listed claims including, such as shown in Figs 2-3, a housing, a plastic drawer 15 having a front face with a finger grip pull, a shelf 12, said front face of said drawer has first and second vertically orientated face regions which are laterally offset from one another, said finger grip pull being located between said first and second face regions of said front face, said first face region is located above said second face region, said second face region is laterally offset rearwardly of said first face, said housing includes a panel 12 above said drawer 15, said panel 12 being provided with a downwardly projecting tab 18 which extends into said drawer and which

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provides a drawer movement limiter, said drawer has a back wall spaced rearwardly from said front face by an interior drawer space, said tab 18 projecting into the interior space between the back wall and the front face of the drawer, said housing has an open front side and an open back side, said tab blocking said drawer from being pushed rearwardly out of said housing and locking said drawer from being pulled forwardly out of said housing.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Great Britain 2,226,946 to Haben in view of USP 2,964,371 to Todd et al.

Haben discloses a cabinet assembly comprising all the elements recited in the above listed claims including, such as shown in Figs 1-2, a housing, a drawer 12 having a front face with a finger grip pull, a shelf 2a-b, said front face of said drawer has first and second vertically orientated face regions which are laterally offset from one another, said finger grip pull being

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located between said first and second face regions of said front face, said first face region 15 is located above said second face region 16, said second face region 16 is laterally offset rearwardly of said first face region 15 and said finger grip pull comprises a bottom opening recess directed upwardly behind said first face region in said front face of said drawer, said housing includes a panel 2b above said drawer 12, said panel 2b being provided with a downwardly projecting tab 5. The differences being that Haben does not clearly disclose the drawer being plastic, the bottom wall of the drawer including downwardly projecting bottom ribs, the housing being made from a material different from the plastic of the drawer, with said material of the housing being wooden material.

Todd et al teaches the idea of providing a plastic drawer having a bottom wall of the drawer with downwardly projecting bottom ribs 27a in order to provide low friction slide for the drawer. The housing of Todd et al also appears to be made from a material different from the plastic of the drawer. Therefore, it would have been obvious to modify the structure of Haben by providing a plastic drawer having a bottom wall of the drawer with downwardly projecting bottom ribs 27a in order to provide low friction slide for the drawer, and the housing being made from a material different from the plastic of the drawer, as taught by Todd et al, since both teach alternate conventional cabinet assembly structure, used for the same intended purpose of storing articles, thereby providing structure as claimed. In regard to the material of the housing being wooden material, it is well known in the art to have the housing of a cabinet made from a wooden material in order to provide a sturdy cabinet housing.

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Conclusion


8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kousens, Brekke et al, Black, Abramovich, Vannice, Cordes, Levy, and Stone all show structures similar to various elements of applicant's disclosure.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh V. Tran whose telephone number is (571) 272-6868. The examiner can normally be reached on Monday-Thursday, and alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HVT
June 27, 2005


Hanh V. Tran
Art Unit 3637